

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 39 of 1995

Hon'ble MR.JUSTICE S.M.SONI

and

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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COMMISSIONER OF WEALTH-TAX

Versus

SHIRIN HUSEINI, L R OF LATE HUSEINI TAHERALI

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Appearance:

MR P.K. JANI FOR MR MANISH R BHATT for Petitioner

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CORAM: S.M. SONI & Y.B. BHATT JJ.

DATE: 8TH NOVEMBER 1996

ORAL JUDGEMENT(Per S.M. Soni J.)

1. The following questions are referred to us, for our opinion, under section 27(1) of the Wealth Tax Act, 1957:

"1. Whether, the Appellate Tribunal is right

in law and on facts in holding that the rules for valuation contained in Schedule III are procedural in nature and hence retrospective in operation thereby applying to the present assessment year?"

"2. Whether, the Appellate Tribunal is right in law and on facts in directing the Assessing Officer to grant exemption under section 5(1)(iv) in respect of the share of the assessee in the immovable property of the partnership firm?"

2. The question no.1 is required to be answered in the affirmative in favour of the assessee and against the revenue in view of the judgement in the case of C.W.T. Vs. Rajeshkumar R. Gandhi (219 ITR 408).

3. In view of the answer to question no.1, the question no.2 is not required to be answered. We, therefore, do not answer the same.

4. The reference stands answered accordingly with no order as to costs.

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